

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 435 OF 2006

Mohammed Zulfikar Shaikh.. Applicant.
Versus
The State of Maharashtra. Respondent.

Mr. Shirish Gupte with Mr.M. Kocharekar
for the Applicant.

Ms. M.M.Deshmukh, APP for the State.

CORAM : V. M. KANADE, J.

DATED : 15TH FEBRUARY, 2006.

P.C.:

Heard learned Counsel for the Applicant and the
learned APP for the State.

2. The Applicant was arrested in connection with the offence punishable under Sections 342, 363, 366, 376 and 506 Part-II of the Indian Penal Code. It is prosecution's case that the Applicant by giving a false assurances that he would marry the prosecutrix had performed certain ceremony and had intercourse with the prosecutrix who was the minor girl below 16 years of age. Learned Counsel for the Applicant submitted that in fact the proposal for marriage was given by the Applicant which was accepted by the

parents of the prosecutrix and according to the Muslim Personal Law the marriage was performed with the consent of the parents. He has relied on photographs of the marriage ceremony. He submitted that there was a Nikahnama between the Applicant and the Prosecutrix. During the course of investigation, medical examination was performed by the Doctor, who has stated that the age of the girl was between 14 to 16. Charge sheet has already been filed. The applicant is a permanent resident of Mumbai. He is not likely to abscond. The question which is required to be considered by the Court is whether the marriage was performed according to the Muslim Personal Law with the consent of the parents or not. Under these circumstances, in my view, this is a fit case for grant of bail.

3. In view of the above, the Applicant be released on bail in the sum of Rs.10,000/- with one or two sureties in the like amount. The Applicant shall report to the Nirmal Nagar Police Station, once in a month till the disposal of the trial.

4. The Application is disposed of in the terms aforesaid.

Sd/-

(V. M. KANADE, J.)